

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIDEOSHARE, LLC	§	
<i>Plaintiff,</i>	§	Case No. 6:21-CV-00254-ADA
	§	
v.	§	JURY TRIAL DEMANDED
	§	
META PLATFORMS, INC.,	§	
<i>Defendant.</i>	§	
	§	

PLAINTIFF’S SUPPLEMENTAL PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Court’s Standing Order Governing Proceedings (Dkt. 27) and the Scheduling Order in this case (Dkt. 36), Plaintiff VideoShare, LLC hereby serves its Supplemental Preliminary Infringement Contentions regarding U.S. Patent No. 10,362,341 (“’341 Patent”).¹ Plaintiff’s analysis is ongoing, and this disclosure is based on information reasonably available to Plaintiff as of this date. Therefore, Plaintiff reserves the right to supplement, amend, or modify these contentions following additional discovery from Defendant and third parties, investigation, or rulings by the Court.

I. Asserted Claims

Plaintiff alleges that Defendant infringes at least claims 1-7 of the ’341 Patent under 35 U.S.C. § 271(a) by making, using, selling, and/or offering for sale products and/or services for

¹ The Court’s Orders specifically provide:

The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material.

Dkt. 27 at 8; Dkt. 36 at 1. Thus, the undersigned counsel hereby certifies that Plaintiff is seasonably amending its preliminary infringement contentions in these supplemental preliminary contentions after taking such reasonable efforts.

receiving, converting, and sharing streaming video made by practicing and by performing processes that practice the '341 Patent, including Defendant's products and/or services marketed as Facebook and Instagram, which are made, used, sold, or offered for sale by Defendant, as well as Defendant's standard video upload and streaming offerings (collectively, the "Accused Instrumentalities"). For clarity, the Accused Instrumentalities include Defendant's video on demand and live offerings, including but not limited to Facebook Watch, Facebook Live, Instagram Live, and Facebook/Instagram's "Feed." Each element of each asserted claim of the '341 Patent is considered to be literally present in the Accused Instrumentalities, or, in the alternative, is present under the doctrine of equivalents.

Plaintiff further contends that Defendant infringes at least claims 1-7 of the '341 Patent under 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and/or encouraging others to infringe the '341 Patent by making, using, selling, and/or offering to sell in the United States the Accused Instrumentalities set forth above. Plaintiff contends that Defendant actively and knowingly induces infringement by others by, *inter alia*, (i) providing the infringing functionality and/or devices, (ii) allowing others to utilize its video streaming infrastructure to infringe, and/or (iii) providing manuals and guides, technical documentation, technical support and assistance, advertisements, and marketing. Plaintiff reserves the right to supplement its position as to infringement following further discovery, including disclosure of new information or knowledge regarding the structure, function, operation, implementation, and design of the Accused Instrumentalities.

II. Claim Chart

Attached hereto as Exhibit A, and incorporated by reference herein, is a claim chart identifying where each element of the asserted claims of the '341 Patent is found in the Accused Instrumentalities.

III. Priority

The '341 Patent claims priority to U.S. Provisional Patent Application No. 60/147,029, filed on August 3, 1999. More specifically, the '341 Patent is a continuation of U.S. Patent Application No. 15/618,304, filed on June 9, 2017 and now U.S. Patent No. 10,225,584, which is a continuation of U.S. Patent Application No. 15/094,411, filed on April 8, 2016, which is a continuation of U.S. Patent Application No. 14/597,491, filed on January 15, 2015, which is a continuation of U.S. Patent Application No. 13/909,876, filed on June 4, 2013 and now U.S. Patent No. 8,966,522, which is a continuation of U.S. Patent Application No. 09/631,583, filed on August 3, 2000 and now U.S. Patent No. 8,464,302, which is a continuation-in-part of U.S. Patent Application No. 09/497,587, filed on February 3, 2000, which claims priority to U.S. Provisional Patent Application No. 60/147,029.

Additionally, Plaintiff believes that the methods claimed by the '341 Patent were conceived by the inventors around the second or third quarter of 1999, and no later than August 3, 1999. During that time, VideoShare, Inc.'s predecessor (AllCam) began building a video streaming service to allow users to upload their video files and share them as streaming video files, which eventually became the VideoShare service. *See, e.g.*, VS0000271-280.

Plaintiff further intends to rely on testimony by the inventors, experts, and other witnesses deposed in this matter concerning conception, diligence, and reduction to practice of the claimed inventions.

IV. Documents

These disclosures incorporate document production made on July 7, 2021, which included a copy of the '341 Patent file history and documents evidencing conception and reduction to practice of the claimed inventions. *See* VS0000001-222; VS0000271-438.

Dated: February 23, 2022

Respectfully submitted,

By: /s/ William D. Ellerman

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**COUNSEL FOR PLAINTIFF
VIDEOSHARE, LLC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on February 23, 2022, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ William D. Ellerman

William D. Ellerman